

1 H.470

2 An act relating to miscellaneous amendments to alcoholic beverage laws

3 The House concurs in the Senate proposal of amendment with further
4 proposal of amendment thereto by striking out all after the enacting clause and
5 inserting in lieu thereof the following:

6 Sec. 1. 7 V.S.A. § 2 is amended to read:

7 § 2. DEFINITIONS

8 As used in this title:

9 * * *

10 (44) ~~“Cider”~~ “Hard cider” means a vinous beverage, made a majority
11 from the fermented natural sugar content of apples or pears, that contains an
12 alcoholic content of not less than one percent or more than 16 percent by
13 volume at 60 degrees Fahrenheit. ~~“Cider”~~ “Hard cider” includes sweetened,
14 flavored, and carbonated hard cider.

15 Sec. 2. 7 V.S.A. § 204 is amended to read:

16 § 204. APPLICATION AND RENEWAL FEES FOR LICENSES AND
17 PERMITS; DISPOSITION OF FEES

18 (a) The following fees shall be paid when applying for a new license or
19 permit or to renew a license or permit:

20 * * *

1 Sec. 5. 7 V.S.A. § 251 is amended to read:

2 § 251. ~~EDUCATIONAL SAMPLING~~ LIMITED EVENT

3 PERMIT

4 (a) The Division of Liquor Control may grant ~~an educational sampling a~~
5 limited event permit to a person if:

6 (1) the limited event is also approved by the local control
7 commissioners; and

8 (2) at least 15 days prior to the event, the applicant submits an
9 application to the Division in a form required by the Commissioner that
10 ~~includes a list of the alcoholic beverages to be acquired for sampling at the~~
11 ~~event and~~ is accompanied by the fee provided in section 204 of this title.

12 (b)(1) ~~An educational sampling~~ A limited event permit holder ~~is permitted~~
13 ~~to conduct an event that is open to the public at which~~ may purchase invoiced
14 volumes of malt beverages, vinous beverages, ready-to-drink spirits beverages,
15 fortified wines, or spirits, or all five ~~are served only for the purposes of~~
16 ~~marketing and educational sampling, directly from a manufacturer, packager,~~
17 wholesale dealer, or importer licensed in Vermont or a manufacturer or
18 packager that holds a federal Basic Permit or Brewer's Notice or evidence of
19 licensure in a foreign country that is satisfactory to the Board.

1 (2) The invoiced volumes of alcoholic beverages may be transported
2 into the site and sold by the glass to the public by the permit holder or the
3 permit holder's employees and volunteers only during the event.

4 (c)(1) ~~No~~ Not more than four ~~educational sampling~~ limited event permits
5 shall be issued annually to the same person-, and

6 ~~(2) An educational sampling event~~ each permit shall be valid for ~~no~~ not
7 more than four consecutive days.

8 (d) The permit holder shall ~~ensure all the following:~~

9 ~~(1) Attendees at the educational sampling event shall be required to pay~~
10 ~~an entry fee of not less than \$5.00.~~

11 ~~(2)(A) Malt beverages, vinous beverages, or ready to drink spirits~~
12 ~~beverages for sampling shall be offered in glasses that contain not more than~~
13 ~~two ounces of either beverage.~~

14 ~~(B) Fortified wines and spirits for sampling shall be offered in~~
15 ~~glasses that contain no more than one quarter ounce of either beverage.~~

16 ~~(3) The event shall be conducted in compliance with all the~~
17 ~~requirements~~ be subject to the provisions of this title, including section 214 of
18 this title, and the rules of the Board regarding the sale of alcoholic beverages.

19 The permit holder shall pay the tax on the alcoholic beverages served at the
20 event pursuant to section 421 of this title.

1 ~~(e) An educational sampling event permit holder:~~

2 ~~(1) may receive shipments directly from a manufacturer, packager,~~
3 ~~certificate of approval holder, wholesale dealer, or importer licensed in~~
4 ~~Vermont or that provides evidence of licensure in another state or foreign~~
5 ~~country satisfactory to the Board;~~

6 ~~(2) may transport alcoholic beverages to the event site, and those~~
7 ~~beverages may be served at the event by the permit holder or the holder's~~
8 ~~employees, volunteers, or representatives of a manufacturer, packager, or~~
9 ~~importer participating in the event, provided they meet the server age and~~
10 ~~training requirements under section 259 of this chapter; and~~

11 ~~(3) shall mark all cases and bottles of alcoholic beverages to be served at~~
12 ~~the event "For sampling only. Not for resale."~~

13 ~~(f) Taxes for the alcoholic beverages served at the event shall be paid as~~
14 ~~follows:~~

15 ~~(1) malt beverages:~~

16 ~~(A) \$0.265 per gallon of malt beverages served that contain not more~~
17 ~~than six percent alcohol by volume at 60 degrees Fahrenheit; and~~

18 ~~(B) \$0.55 per gallon of malt beverages served that contain more than~~
19 ~~six percent alcohol by volume at 60 degrees Fahrenheit;~~

20 ~~(2) vinous beverages: \$0.55 per gallon served;~~

1 (d) The permit holder shall ensure the following:

2 (1) Attendees at the ~~festival~~ sampling event shall be required to pay an
3 entry fee of not less than \$5.00.

4 * * *

5 (2)(A) Malt beverages and hard ciders for sampling shall be offered in
6 glasses that contain not more than 12 ounces with not more than 60 ounces
7 served to any patron at one event.

8 * * *

9 (E) Patrons attending a ~~festival~~ sampling event where combinations
10 of malt beverages, vinous beverages, ready-to-drink spirits beverages, fortified
11 wines, or spirits are mutually sampled shall not be served more than a
12 combined total of six U.S. standard drinks containing 3.6 fluid ounces or 84
13 grams of pure ethyl alcohol.

14 * * *

15 (e)(1) A ~~festival~~ sampling event permit holder may purchase invoiced
16 volumes of malt beverages, vinous beverages, or ready-to-drink spirits
17 beverages directly from a manufacturer or packager licensed in Vermont or a
18 manufacturer or packager that holds a federal Basic Permit or Brewers Notice
19 or evidence of licensure in a foreign country that is satisfactory to the Board.

20 * * *

1 (f) A ~~festival~~ sampling event permit holder shall be subject to the
2 provisions of this title, including section 214 of this title, and the rules of the
3 Board regarding the sale of the alcoholic beverages and shall pay the tax on the
4 malt beverages, vinous beverages, or ready-to-drink spirits beverages pursuant
5 to section 421 of this title.

6 (g) A person shall be granted not more than four ~~festival~~ sampling event
7 permits per year, and each permit shall be valid for not more than four
8 consecutive days.

9 Sec. 7. 7 V.S.A. § 421 is amended to read:

10 § 421. TAX ON MALT AND VINOUS BEVERAGES

11 (a) Every packager and wholesale dealer shall pay to the Commissioner of
12 Taxes:

13 (1) the sum of 26 and one-half cents per gallon for every gallon or its
14 equivalent of:

15 * * *

16 (B) hard ciders containing not more than seven percent of alcohol by
17 volume at 60 degrees Fahrenheit sold by them to retailers in the State;

18 (2) the sum of 55 cents per gallon for each gallon of:

19 * * *

1 (B) hard ciders containing more than seven percent of alcohol by
2 volume at 60 degrees Fahrenheit sold by them to retailers in the State; and

3 * * *

4 Sec. 8. 2021 Acts and Resolves No. 70, Sec. 7 is amended to read:

5 Sec. 7. REPEAL

6 7 V.S.A. § 230 is repealed on July 1, ~~2023~~ 2025.

7 Sec. 9. DEPARTMENT OF LIQUOR AND LOTTERY; ALCOHOLIC

8 BEVERAGES; PUBLIC SAFETY IMPACT STUDY AND

9 REPORT

10 On or before January 15, 2025, the Department of Liquor and Lottery, in
11 consultation with other stakeholders, shall study and report on the public safety
12 impacts of the sale of alcoholic beverages for off-premises consumption since
13 the passage of 7 V.S.A. § 230. The Department shall submit the written report
14 to the House Committee on Government Operations and Military Affairs and
15 the Senate Committee on Economic Development, Housing and General
16 Affairs. The Department shall include with its findings any recommendations
17 for legislative action.

18 Sec. 10. EFFECTIVE DATES

19 (a) This section and Sec. 8 (extension of sunset; 7 V.S.A. 230) shall take
20 effect on passage.

1 (b) All other sections shall take effect on July 1, 2023.